

**AMENDMENT TRANSMITTAL LETTER**Docket No.  
SPINE 3.0-437 CPCPCPCPCPCP IApplication No.  
10/663,486-Conf. #2428Filing Date  
September 16, 2003Examiner  
B. E. PellegrinoArt Unit  
3738

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Invention: INTERVERTEBRAL SPACER DEVICE HAVING RECESSED NOTCH PAIRS FOR  
MANIPULATION USING A SURGICAL TOOL**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

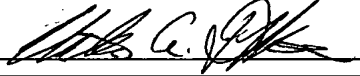
The fee has been calculated and is transmitted as shown below.

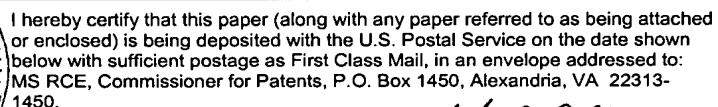
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	14	- 20 =	0	x 50.00	0.00
Independent Claims	3	- 3 =	0	x 200.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095  
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.  
William A. Di Bianca  
Attorney/Agent Reg. No.: 58,653Dated: August 31, 2007LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS RCEt, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 31, 2007

Signature:  (William A. DiBianca)



**Signature:**

(William A. DiBianca)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For: INTERVERTEBRAL SPACER DEVICE  
HAVING RECESSED NOTCH PAIRS FOR  
MANIPULATION USING A SURGICAL  
TOOL

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: Group Art Unit: 3738

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: Examiner: B. E.  
: Pellegrino

**AMENDMENT UNDER 37 CFR 1.116**

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action dated March 1, 2007, finally rejecting claims 1-10, please amend the above-identified U.S. patent application as follows: